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Appl. No. 10/114,792

Attorney Dkt: PC-1053CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Battaglini
Appl. No. : 10/027,035
Filing Date : 12/27/2001
Art Unit : 3621
Examiner : Salvatore A. Cangialosi
Docket No. : PC-1053CIP
Customer No. : 23717
For : INTEGRATED TECHNOLOGY MONEY TRANSFER SYSTEM

DECLARATION UNDER 37 CFR 1.132

Commissioner of Patents
P.O. BOX 1450
Alexandria, Virginia 22313-1450

Sir:

Michael Battaglini declares that:

1. I am a co-inventor of and familiar with the present U.S. Patent Application 10/027,035 filed 12/27/2001, which is entitled: INTEGRATED TECHNOLOGY MONEY TRANSFER SYSTEM.

I am familiar with the Official Actions and with the prior art references cited in the Official Actions, including Examiner Cangialosi's belief that the escrow agent of Cohen or Abecassis is functionally equivalent to the recipient in the present invention (office action mailed November 29, 2004); Examiner's belief that the escrow agent and those that receive the disbursements are functionally equivalent to intermediaries (office action mailed June 10, 2005); and the escrow agent and those who receive the disbursements are functionally equivalent to intermediaries (office action mailed January 6, 2006).

2. I submit this affidavit to show proof that I always intended the Integrated Technology Money Transfer System to include an escrow agent that is separate and distinct from the sender and the recipient and that the recipient is the receiver of the money disbursement. The recipient receives the transferred money. The recipient is not an intermediary. The escrow agent, as described and claimed, is a third party escrow agent such as a national bank, a repository agent, and the like, controlling a bank escrow account into which the senders fund is transferred. The escrow agent is an "intermediary" which temporarily holds the money. The recipient receives the money transfer from the escrow agent account and the transfer is complete. The recipient as described and claimed is not an intermediary. The recipient completes the money transfer. The escrow agent and the recipient have and serve different business process functions.

4. The basic problems with the prior art person-to-person money transfer systems is that they offer limited hours of availability and a limited number of cash disbursement locations for the recipient. Thus, if a location is not near a sender and/or not near a recipient, delays and inconvenience are common results of using these services. These cash transactions are

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completed within a single chain, and the entity used by the sender to initiate the transfer is the same entity used by the recipient to receive the disbursement. Those services further require having paid persons at the cash location pickup sites, which adds additional expenses to their use.

Before we applied for the subject patent application it was not publicly known to provide the capability for a sender to transfer funds to an escrow agent which in turn transfers the funds to a recipient wherein the system used by the recipient to receive the transferred funds is not required to be a part of the chain that was used by the sender to initiate the transfer. Nor was it known to provide a money transfer system without a pre-established relationship, such as an account link, between the sender and the recipient.

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Michael Battaglini
Michael Battaglini

Dated: May 8, 2006

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